

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WAYNE BALIGA, derivatively on behalf of
LINK MOTION INC. (F/K/A NQ MOBILE INC.)

Plaintiff,

-against-

LINK MOTION INC. (F/K/A NQ MOBILE
INC.), VINCENT WENYONG SHI, JIA LIAN,
XIAO YU,

Defendants,

-and-

LINK MOTION INC. (F/K/A NQ MOBILE
INC.),

Nominal Defendant.

Civil Action No.: 1:18-cv-11642

**DECLARATION OF MICHAEL
JAMES MALONEY IN SUPPORT
OF MOTION FOR DECLARATORY
RELIEF AND MODIFICATION OF
RECEIVERSHIP ORDER**

MICHAEL JAMES MALONEY declares, pursuant to 28 U.S.C. 1746, as follows:

1. I am an attorney duly admitted to practice law before the United States District Court for the Southern District of New York. I am a partner of Felicello Law P.C. and counsel of record for Vincent Wenyong Shi (“**Shi**”).

2. I make this declaration in support of the motion by Shi for a declaration that the equitable tolling, pending dissolution of the receivership, of all statutes of limitations applicable to claims by nominal defendant Link Motion Inc. (the “**Company**”) against DLA Piper LLP (US) (“**DLA**”), Caryn Schechtman (“**Schechtman**”), and Marc A. Silverman (“**Silverman**”, and together with DLA and Schechtman, the “**DLA Defendants**”) for legal malpractice and breach of fiduciary duty.

3. Annexed hereto as **Exhibit A** is a copy of the engagement letter between DLA Piper LLP (US) and the Company.

4. Annexed hereto as **Exhibit B** is a copy of the Verified Shareholder Derivative Complaint filed in this action (Dkt. No. 1).

5. Annexed hereto as **Exhibit C** is a copy of the Temporary Restraining Order entered in this action (Dkt. No. 7).

6. Annexed hereto as **Exhibit D** is a copy a joint letter filed in this action (Dkt. No. 20).

7. Annexed hereto as **Exhibit E** is a copy a stipulation filed in this action (Dkt. No. 22).

8. Annexed hereto as **Exhibit F** is a copy DLA's letter requesting leave to withdraw (Dkt. No. 28).

9. Annexed hereto as **Exhibit G** is a copy the Declaration of Vincent Wenyong Shi dated May 21, 2019 (Dkt. No. 60).

10. Annexed hereto as **Exhibit H** is a copy of the declaration of Katharine L. B. Pearson, dated March 3, 2020.

11. Annexed hereto as **Exhibit I** is a copy of the Court's Memorandum and Order dated September 4, 2020 (Dkt. No. 163).

12. Following issuance of the September 4, 2020 Memorandum and Order, Plaintiff Baliga filed his Second Amended Complaint (Dkt. No. 166), in which he asserted only direct claims.

13. On November 4, 2020, Shi moved to discharge the receiver (Dkt. Nos. 180-183) and to dismiss the Second Amended Complaint (Dkt. Nos. 177-179).

14. On December 3, 2020, counsel for Baliga advised the Court that he intended to move for an order authorizing the Receiver to convert Baliga's ADSs into registered shares of the Company. As of the date of this declaration, the motion remains *sub judice*.

15. As of the date of this declaration I am not aware of any action taken by the Receiver to preserve the claims the Company may have against the DLA Defendants for legal malpractice or breach of fiduciary duty.

16. Annexed hereto as **Exhibit J** is a copy of a draft complaint against the DLA Defendants for legal malpractice and breach of fiduciary duty.

17. I was prevented from filing this motion on March 1, 2021 because of technical problems with the NextGen CM/ECF system. Annexed hereto as **Exhibit K** is a copy of a notice sent by the U.S. Courts system regarding this issue.

18. Wherefore, Shi respectfully requests the Court to enter an Order (i) declaring that the statute of limitations applicable to be equitably tolled pending the dissolution of the receivership all statutes of limitations applicable to claims by the Company against the DLA Defendants for legal malpractice and, in the alternative, breach of fiduciary duty; and (ii) modifying paragraph 2(e) of the receivership order (Dkt. No. 26) to grant Shi the authority to retain counsel on behalf of the Company to commence an action against the DLA Defendants for the Claims.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 1, 2021

/s/ Michael James Maloney
Michael James Maloney